

Chapter 1443. Zoning Hearing Examiner Procedures.

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§ 1443-01. Application Procedures and Content.

All applications for a decision by the Zoning Hearing Examiner must be on forms specified by the examiner. Applications must be processed in accord with the common procedures for review of applications set forth in Chapter 1441, Application Procedures, Fees, Permits and Certificates. In addition to the application materials otherwise required by the Cincinnati Zoning Code, applications must include, at a minimum, the information specified on the application forms approved by the examiner, including, but not limited to, the following:

- (a) A site plan of the proposed building or use, which complies with the specifications on the examiner application form.
- (b) A narrative description of any proposal and reasons for the request.
- (c) The names and addresses of all abutting property owners as they appear in the official records of the Auditor of Hamilton County within a 100-foot radius of the subject property.
- (d) Such other information applicable to the building or use in question or as may be necessary, in the opinion of the examiner, to carry out the intent and purpose of this code.

§ 1443-03. Receipt of Application and Staff Reports.

After acceptance of an application by the Director of Buildings and Inspections pursuant to the provisions of Chapter 1441, Application Procedures, Fees, Permits and Certifications, the director has the duty to forward the application to the Zoning Hearing Examiner within three working days of the determination of completeness of the application. The director must provide the examiner with a staff report on the application prior to the scheduled public hearing on the application. The examiner may also forward an application to any other city department for review and request a staff report from any other city department. The failure to receive a staff report prior to the public hearing does not prohibit the examiner from proceeding with a scheduled hearing or deciding to approve, conditionally approve or deny an application.

§ 1443-05. Public Hearing Schedule and Notice.

The Zoning Hearing Examiner has the duty to hold the required public hearing on an application within 30 days of receipt of the complete application from the Director of Buildings and Inspections. The examiner has the duty to send notice of the public hearing to the applicant, all owners of abutting property and appropriate community organizations known to the examiner to be concerned with the application of zoning regulations to properties in the vicinity of the subject property at least 14 days in advance of the public hearing. The examiner has the duty to advertise notice of the public hearing in the *City Bulletin* or other newspaper of general circulation at least seven days prior to the hearing.

§ 1443-07. Public Hearing Procedure.

The applicant may be represented by counsel or agent at any public hearing of the case before the Zoning Hearing Examiner. The applicant's side of the case is heard first and those in objection follow. To maintain orderly procedure, each side proceeds without interruption by the other. Every person before the examiner has the duty to abide by the order and direction of the examiner presiding over the hearing.

§ 1443-09. Zoning Hearing Examiner Decisions.

The Zoning Hearing Examiner has the duty to issue a written decision on an application within ten working days of the close of the public hearing on the application, or within 14 days of receipt of an application for which a public hearing has been waived, unless the applicant agrees to an extension of the time for issuance of a decision.

The following conditions will apply to all approvals granted by the examiner. These conditions are in addition to any other conditions set by the Examiner or required by the Cincinnati Zoning Code:

- (a) **Permit Expiration and Extension.** A permit for construction or the use of land or buildings for which an approval has been granted must be obtained within two years from the date of the decision of the examiner, unless the decision specifically provides a different time frame for commencement of work. Prior to the ending of the two year period, the applicant may submit a written request for an extension of the decision to the Director of Buildings and Inspections. If the director determines that the approval is still in compliance with all applicable codes, the decision may be extended for an additional six months. Any further extension requires the approval of the examiner; a public hearing is not needed for such approval.
- (b) **Compliance.** The Director has the authority to inspect all properties for compliance with conditions of approval as often as necessary to assure continued compliance.

§ 1443-11. Appeal.

Any party with standing may appeal any decision of the Zoning Hearing Examiner to the Zoning Board of Appeals within 30 days of issuance of the decision. For purposes of the Cincinnati Zoning Code a party with standing will include:

- (a) ***The Applicant.*** Any applicant or owner of property that is the subject of a final decision of the examiner.
- (b) ***Person Affected.*** Any person affected by a final decision on an application made following a public hearing and who expressed in writing a position prior to the hearing, or testified at the hearing, including any owner or occupant of the subject property, any owner or occupant of property abutting or otherwise substantially affected by the decision, any community or neighborhood association or organization whose boundaries include or abut the subject property.
- (c) ***Community Organization.*** A community organization recognized by the Council as representing the area that includes the subject property and that has prepared a community plan accepted by the council, regardless of whether the organization expressed an opinion in writing prior to the hearing or having testified through a representative at the hearing.